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13 Attorneys for Plaintiff Bandag, Incorporated

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

25 WHEREAS, the individual action, *Bridgestone Americas Holding, Inc., et al. v.*
26 *Chemtura Corporation, et al.*, was transferred from the Middle District of Tennessee pursuant to
27 28 U.S.C. § 1407(c) and docketed with this Court on September 19, 2006;

28 WHEREAS, no adverse party has filed an answer nor has any party filed a motion for

1 summary judgment in this action;

2 WHEREAS, Bridgestone Americas Holding, Inc., Bridgestone Firestone North American
3 Tire, LLC, and Pirelli Tire, LLC have voluntarily dismissed their action against Defendants
4 pursuant to Rule 41(a)(1);

5 WHEREAS, the remaining Plaintiff, Bandag, Incorporated (“Bandag”), does not intend
6 on asserting Tennessee state antitrust law claims against Defendants; and

7 WHEREAS, as a result of this Stipulation, the parties hereby withdraw all arguments
8 solely addressing Tennessee state antitrust law claims in the pending motions to dismiss,
9 oppositions, and replies thereto, the hearing on which is currently scheduled for May 23, 2007, at
10 2:30 p.m., before Honorable Martin J. Jenkins.

11 NOW THEREFORE IT IS HEREBY STIPULATED AND AGREED BETWEEN THE
12 PARTIES, BY AND THROUGH THEIR COUNSEL OF RECORD, THAT:

13 1. The Second Cause of Action in the Amended Complaint, for violations of
14 Tennessee state antitrust law by Defendants, is dismissed with prejudice.

15 2. All arguments solely addressing Tennessee state antitrust law claims in the
16 pending motions to dismiss, oppositions, and replies thereto, the hearing on which is currently
17 scheduled for May 23, 2007, at 2:30 p.m., are withdrawn and need not be considered by the
18 Court.

19 3. All parties will bear their own attorneys' fees and costs.

20 4. This stipulation and dismissal is without prejudice to the remaining claims filed
21 against Defendants by Bandag in the above-captioned case. The case will continue on all of
22 Bandag's remaining claims against all Defendants.

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1 **IT IS SO STIPULATED.**

2 Dated: March ___, 2007

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20 Dated: March ___, 2007

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31 Corporation (formerly known as Crompton Corporation)
32 and Uniroyal Chemical Company, Inc.

33 SIGNATURES CONTINUED ON FOLLOWING PAGE

1 ADDITIONAL SIGNATURE PAGE TO
2 STIPULATION REGARDING DISMISSAL OF TENNESSEE STATE LAW CLAIM AND
[PROPOSED] ORDER

3
4 Dated: March ___, 2007

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12 Dated: March ___, 2007

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20 Dated: March ___, 2007

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27 SIGNATURES CONTINUED ON FOLLOWING PAGE

1 Dated: February ___, 2007

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6 Attorneys for Defendant James J. Conway

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1 **GOOD CAUSE APPEARING THEREFORE, IT IS SO ORDERED THAT:**

2 1. The Second Cause of Action in the Amended Complaint, for violations of
3 Tennessee state antitrust law by Defendants, is dismissed with prejudice.

4 2. All arguments solely addressing Tennessee state antitrust law claims in the
5 pending motions to dismiss, oppositions, and replies thereto, the hearing on which is currently
6 scheduled for May 23, 2007, at 2:30 p.m., are withdrawn and will not be considered by the
7 Court.

8 3. All parties will bear their own attorneys' fees and costs.

9 4. This stipulation and dismissal is without prejudice to the remaining claims filed
10 against Defendants by Bandag in the above-captioned case. The case will continue on all of
11 Bandag's remaining claims against all Defendants.

12 **IT IS SO ORDERED.**

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14 Dated: _____ 4/18/07 _____, 2007

15 BY: _____



16 HONORABLE MARTIN J. JENKINS
17 UNITED STATES DISTRICT COURT
18 FOR THE NORTHERN DISTRICT OF
19 CALIFORNIA

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